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LAWRENCE R. YOUST  
1450 PREMIER PLACE  
5910 NORTH CENTRAL EXPRESSWAY  
DALLAS, TX 75208

In re Application of :  
John L. Pierce :  
Application No. 09/738,193 :  
Filed: December 15, 2000 :  
Attorney Docket No. 1384-1023 :

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This is a decision on the petition under 37 CFR 1.137(b), filed October 4, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed June 7, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. An Advisory action was mailed September 16, 2004 indicating that the reply filed on August 26, 2004, failed to place the application in condition for allowance. Accordingly, the application became abandoned on September 8, 2004.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail future correspondence solely to the address of record.

The unentered amendment filed August 26, 2004 will be considered the submission required under 37 CFR 1.114.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment (filed August 26, 2004) and a Request for Continued Examination (RCE); (2) the petition fee of \$750; and (3) the required statement of unintentional delay have been received. Accordingly, the petition filed October 4, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application matter is being forwarded to Technology Center 2800, Art Unit 2822 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

A handwritten signature in cursive script that reads "Retta Williams".

Retta Williams  
Petitions Examiner  
Office of Petitions